

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEONARDO VALDEZ-CRUZ,

Plaintiff,

-against-

SANDRA PEDDIE; GINA BARTON,

Defendants.

23-CV-4537 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action against New York residents, asserting state law claims of defamation. By order dated August 30, 2023, the Court dismissed the complaint for lack of subject matter jurisdiction, finding that the Court cannot exercise diversity jurisdiction of Plaintiff's claims because the parties are not of diverse citizenship. The Court granted Plaintiff 30 days' leave to replead to demonstrate that the parties are diverse. Plaintiff did not file an amended complaint, and on October 5, 2023, the Clerk of Court entered judgment.

On November 3, 2023, the Court received a letter from Plaintiff, who asked for additional time to file an amended complaint. The Court granted Plaintiff's request, and on December 14, 2023, the Court received an amended complaint, which is substantially similar to the original complaint. Most notably, Plaintiff does not allege that the parties are of diverse citizenship.

**CONCLUSION**

Accordingly, as the Court cannot exercise subject matter jurisdiction of Plaintiff's state law claims, the Court declines to treat Plaintiff's amended complaint as including a motion of reconsideration of its order of dismissal.

This action remains closed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: February 6, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge